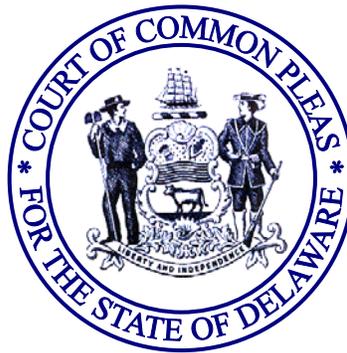


COURT OF COMMON PLEAS for the State Of Delaware



AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IN FORMA PAUPERIS

<http://courts.state.de.us/commonpleas/>

**AFFIDAVIT IN SUPPORT OF APPLICATION TO
PROCEED *IN FORMA PAUPERIS****

I, _____, being first duly sworn, depose and say that I am the _____ (Plaintiff or Defendant) in the matter of _____. In support of my motion to proceed without paying Court fees and costs, or give security, I state:

My date of birth is: _____

My current address is: _____

Because of my financial situation, I am unable to pay the costs of this proceeding or give security. In support of that statement, I supply the following information:

1. Nature of claim or defense is: _____

2. Are you presently employed? Yes _____ No _____
(If your answer is no, please skip to question 4)

3. If Yes, state:

a. The name and address of your employer:

b. State how often you are paid:

c. State the amount of your take home pay per pay period:

4. If you are not employed, state:

a. Name and address of last employer:

b. Location and date of last employment:

5. State whether you have received any income (dividends, rent, savings, interest, etc.), gifts, such as stocks, bonds or cash, from any source in the last 12 months:

Yes _____ No _____

6. If yes, state:

a. The amount of income or gift, or its value:

b. Date received: _____

c. From whom or what received:

7. List all property owned, whether held in your name alone or jointly with anyone else:

a. Real estate:

b. Property (stocks, bonds, bank accounts, vehicles):

- c. Name and address of any joint owner, designating which property is jointly owned and name and relationship to joint owner:

- 8. If you have a spouse, state:

- a. Amount of income received:

- b. Source:

- c. Frequency income is received:

- 9. If you are prisoner, attach Department of Correction certified statement of your income account, together with this affidavit. This statement must contain all account activity for the six-month period immediately preceding the filing of the Complaint, or for the entire period of incarceration, whichever time is less.

If the Court determines that you may proceed *in forma pauperis*, the Court shall issue an order directing the total amount to be paid, and establish a schedule for payment. The schedule must include an initial payment in an amount equal to 20% of the average daily balance of your inmate account over the previous six month period or the entire time that you have been incarcerated, whichever time is less. In each successive month, until the established court costs and filing fees are paid in full, the Court will order you to pay 10% of the average daily balance of the inmate account for the preceding month. 10 Del.C. § 8804.

- 10. If not listed above, state:

- a. Amount of cash held individually or jointly (whether in a bank or not):

b. Bank accounts, listing bank, account number(s), and current balances:

11. Itemize debts and regular monthly expenses:

12. List names and addresses of any dependents:

I, _____, swear or affirm that the above information is true and correct and is made under penalty of perjury.

Dated: _____
_____ SIGNATURE

Pursuant to Court of Common Pleas Rule 110 (attached), I understand that in the event of a money judgment or recovery in my favor, I will be required to pay any court costs that have been accrued in this action.

I further understand that if the Court directs that I pay certain fees and court costs

but dismisses my complaint or claim, the Court retains power over me until all costs and fees are paid.

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20 ____.

Title

* All requests for information must be supplied, if possible. Failure to supply information may result in a denial of your motion to proceed *in forma pauperis*

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

IN AND FOR

KENT NEW CASTLE COUNTY SUSSEX COUNTY

IN RE:

Plaintiff

vs.

Defendant

Civil Action No: _____

ORDER TO PROCEED IN FORMA PAUPERIS

The Court has reviewed the Petitioner's application and, if necessary, has questioned the Petitioner under oath and hereby:

_____ Waives all fees and costs

_____ Requires \$ _____ to be paid by _____
(date)

_____ Establishes the following schedule for Payment:

If amounts due are not paid by dates ordered, the action will be dismissed.

IT IS SO ORDERED, this _____ day of _____, 20____.

JUDGE

RULE 110 PROCEEDINGS *IN FORMA PAUPERIS*

Upon application of a party to be indigent, the Court may authorize the commencement, prosecution or defense of any civil action or civil appeal without prepayment of fees and costs or security therefor, by a person who makes affidavit that the person is unable to pay such costs or give security therefor. Such affidavit shall state the nature of the action or redress and shall state sufficient facts from which the Court can make an objective determination of the petitioner's alleged indigency. The Court may in its discretion conduct a hearing on the question of indigency. In any action in which a claim for damages is asserted by a party seeking the benefit of this rule, the Court shall, before entering a dismissal of the claim or satisfaction of any judgment entered therein, require a payment of accrued costs from any party for whose benefit this rule has been applied, if said party has recovered a judgment in said proceedings or received any funds in settlement thereof. A party and the party's attorney of record shall file appropriate affidavits in the event a claim is sought to be dismissed without settlement or recovery.

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

IN AND FOR

KENT NEW CASTLE COUNTY SUSSEX COUNTY

ORDER UPON INITIAL REVIEW OF COMPLAINT

The Court having reviewed the Complaint of: _____

Civil Action No: _____

I. _____ **IT IS ORDERED** that the Complaint is **DISMISSED** because:

_____ The Complaint was factually frivolous.

_____ The Complaint was legally frivolous.

_____ The Complaint was malicious.

2. _____ The Complaint is **NOT DISMISSED** and service of process shall issue.

IT IS SO ORDERED, this _____ day of _____, 20 _____.

JUDGE